



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. Bill Sullivan
First Assistant City Attorney
City of Wichita Falls
P.O. Box 1431
Wichita Falls, Texas 76307

OR95-1500

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 22776.

The City of Wichita Falls (the "city") has received two open records requests¹ for information relating to real property purchased to construct a multi-purpose events center by the city in conjunction with the County of Wichita (the "county"). The city made some of the requested information public, but the city claims that two categories of the requested information are protected from disclosure by section 552.105 of the Government Code. The requestor seeks detailed information for breakdown of costs charged to three separate city accounts, and the city claims that two of these accounts are excepted from disclosure. The total number of documents associated with these two accounts exceeds 1000, according to the city.

The city is responsible for the acquisition of property in connection with the construction of a multi-purpose events center. The land acquisition costs are charged half to the city on one account number, and the other half is charged to the county on the second account number at issue. The city contends that the information in these two accounts identify the owner and purchase price paid for the respective properties. Also, the city is presently continuing its negotiation with other property owners to purchase

¹Though the request for information is dated September 29, 1993, we note upon a review of the green card, return receipt, received by the requestor that the city did not receive the request until October 6, 1993. On October 13, 1993, the city then timely submitted its request to this office for an open records ruling under section 552.301(a) within ten days of receiving the request for information.

the property needed for construction of the multi-purpose events center. The city contends that "the release of this [requested] information would adversely affect the city's ability to negotiate with all remaining property owners for the parcels not yet acquired." The county does not object to the information being disclosed to the public at this time.

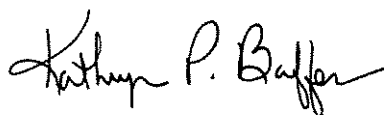
Section 552.105(2) provides in pertinent part that information is excepted from disclosure under the act including:

appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

In Open Records Decision No. 564 (1990) (copy enclosed), this office ruled that the statutory predecessor to section 552.105 also applied to an appraisal report concerning a parcel of land acquired by a governmental body where the release of the information would damage the governmental body's negotiation position in the acquisition of nearby parcels of property. Open Records Decision No. 564 (1990) at 2. Similarly in this instance, the city is still negotiating with other nearby and adjacent landowners in acquiring property for its project, and we agree that the release of the requested information could harm the city's negotiating position with respect to the other parcels of land yet to be acquired. Accordingly, the information may be withheld pursuant to section 552.105 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/JCH/rho

Ref.: ID# 22776

Enclosures: Open Records Decision No. 564 (1990)
Submitted documents

cc: Ms. Barbara Lunsford
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(w/o enclosures)

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